

REMARKS

In the office action mailed September 21, 2004, Claims 50-54 were pending for consideration. Each of these claims was rejected under various provisions of 35 U.S.C. § 112, first and second paragraph as allegedly lacking sufficient written description, enablement, and definiteness. Additionally, each of these claims was rejected under 35 U.S.C § 102(b) as allegedly anticipated in view of Liu, J-H et al. *Anti-inflammatory and Analgesic Activities of N-Deacetylappaconitine*, Acta Pharmacologica Sinica, Vol. 8, No. 4. pp. 301-305 (1987).

As agreed to in the Examiner interview held on November 4, 2004, by the present amendment, Claim 50 has been amended to include the terms “in a subject” following the word “inflammation”, and “to said subject” following the word “administering”. Further, as agreed to in the Examiner interview, Claim 50 has been amended to include the markush group “consisting of: lappaconitine, 3-acetylaconitine, and bulleyaconitine” following the term “aconitine alkaloid”. Applicants respectfully submit that as agreed in the Examiner interview, the present amendments to Claim 50 render all of the rejections asserted in the outstanding office action moot. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Finally, in anticipation of allowance of Claims 50-54 in view of the above-recited amendment, previously withdrawn Claims 1-49 have been canceled.

It should be noted that such amendments have been made without conceding the correctness of the rejection, and solely for the purposes of advancing prosecution. Applicants expressly reserve the right to pursue and canceled or relinquished subject matter in a future patent application.

CONCLUSION

In view of the foregoing, Applicants believe that presently pending Claims 50-54 present allowable subject matter and prompt allowance thereof is respectfully requested. If any impediment to the allowance of the patent application is found, and such impediment could be removed during a telephone interview, the Examiner is invited to telephone either Mr. David Osborne, or the undersigned attorney at (801) 566-6633, so that such issues may be resolved as expeditiously as possible.

Please charge any additional fees except for Issue Fee or credit any overpayment to Deposit Account No. 20-0100.

Dated this 2nd day of December, 2004.

Respectfully submitted,



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